

**AMENDMENT and RESPONSE**

In response to the Non-Final Office Action dated August 23, 2005, kindly amend the application as follows:

**IN THE SPECIFICATION:**

Kindly amend the specification as noted above. The priority data of the subject application has been updated and several typographical errors have been corrected. No new matter has been added.

**IN THE CLAIMS:**

Kindly amend the claims as noted in the listing of claims above.

**REMARKS**

Applicant thanks the Examiner for the courteous Non-Final Action on the merits.

**Status of Claims**

Claims 1-32 are withdrawn from further consideration.

Claims 33-45 are rejected.

New claim 46 has been added.

**Priority Data**

In accordance with the Examiner's suggestion, Applicant has updated the priority data in

the specification as noted above.

### **Claim Objection**

Claims 33-45 are objected to for inconsistency of claim terminology.

In claim 1, amended, "field water" has been used consistently; This is not a narrowing amendment and is made for consistency in nomenclature.

In claim 2, amended, "field water" has been used consistently; This is not a narrowing amendment and is made for consistency in nomenclature.

In claim 37, amended, "field water" has been used consistently; This is not a narrowing amendment and is made for consistency in nomenclature. The previous implicit reference to "redirecting...with said primary mirror" is made explicit in the interests of clarity.

In claim 40, amended, surplus language regarding "a secondary mirror" (last line) has been removed; This is not a narrowing amendment as the previous inclusion was an obvious typographical error.

In claim 41, amended, "returning" has been substituted for "defining" in the interests of clarity. This is not a narrowing amendment and is made for consistency in terminology between claims, e.g. claim 37.

In claim 43, and claim 45, amended, "field surface water" has been used consistently; These are not a narrowing amendments and are made for consistency in nomenclature. The terms "circumjacent" and "circumjacently" in claim 43 have been deleted and the language of the claim broadened as shown.

Claim 46, dependent on claim 33, has been added, providing *raison d'etre* for the use of "primary" in claim 33.

The objection b) to "solar distilled water" in claim 33 is believed overcome by amending that claim language to read "solar distilled field water." The objection is otherwise traversed as the water as evaporated is then and there being distilled, and is not previously distilled as is obvious from the claim language context. This understanding is consistent with claim 36.

Objection c) is met by changing the dependency of claim 41 to claim 39 which supports the term "dome;" claim 42 is amended to use "a" before "dome", not "said." Applicant thanks the Examiner for pointing this problem out.

Objection d) is met by amending claims 33, 39 and 43 as shown above.

Objection e) is not understood. In amplified form the phrase could read: "(the) lens... reemits all angles of incident (i.e. incoming) light (onto itself) from (itself) said lens (in a direction that is) primarily normal to said lens." In other words, from whatever direction the

light is incident to the lens, it is reemitted normal to the lens. Reconsideration is requested as the phrase does not appear to be ambiguous.

Objection f) is met by adding "collect and" to "condense" as shown. The requirement is otherwise traversed as it is submitted that the involved claim language, "arranged..." e.g. in claim 43 is clear.

Objection g) suggests using water vapor or steam in lieu of "evaporated water" in unspecified claims. This term appears in claims 36, 37 and 43. In claims 36 and 37, the term has been deleted in favor of "solar distilled water" to be consistent with claim 33. In claim 43 the recited step of "evaporating" water is retained and thus "evaporated water" seems most appropriate. Reconsideration of this objection as to claim 43 is requested. The Action reference to "feedwater" is not understood; applicant does not use this term. When read in context the evaporated water is that which is taken up by the wick initially.

#### **35 U.S.C. §112 (Second Paragraph)**

Claims 33-45 are rejected under 35 U.S.C. §112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 33, the Examiner asserts that reciting "a primary mirror" without reciting a secondary, tertiary and etc., mirrors provides ambiguity in the claims.

Claim 46 has been added; there is now reference to a secondary mirror.

In Claim 33, the Examiner objects to the phrase "evaporating from said wick upper end solar distilled water" as confusing since "solar distilled water" would presuppose that water has already been distilled using solar energy (i.e., water that has already been evaporated and condensed). Further, the Examiner invited applicant to compare Claim 33 with Claim 36, which recites the evaporation and condensation steps and returning the condensed water to the field water.

The Examiner is over-imaginative to read solar distilled to refer to anything but what has been taken up by the wick. This is a nearly philosophical point. How can the phrase refer to some other solar distilled water when there is no basis in the claim for such supposition?

The Examiner points out that in Claims 41-42, the claimed "said dome" lacks antecedent support. The Examiner also points out that in Claim 42, the claimed "said lens" lacks antecedent basis.

These matters are treated above.

The Examiner asserts that it is unclear in Claim 33 whether the primary mirror does in fact reflect solar radiation onto the wick upper end with recitation of "adapted to". The Examiner also refers to Claims 39 and 43.

This has been treated above.

In Claim 42, the Examiner objects to the phrase "said lens primarily normal to said lens."

This has been explained above.

The Examiner has suggested using the term "condenser" in lieu of the term "collector" to better describe a collector that can condense in claims such as Claim 37.

This has been treated above.

The Examiner has suggested using either the phrase "water vapor" or the term "steam" instead of the phrase "evaporated water" in claims such as Claim 43.

Applicant prefers his language, as noted above, but the suggestion is appreciated.

**35 U.S.C. §103(a) – Bjorksten (U.S. Patent 2,412,466) in view of Miller, Jr. (U.S. Patent No. 2,412,466) and Snyder (U.S. Patent 4,276,122)**

Claims 33-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bjorksten (U.S. Patent 2,412,466) in view of Miller, Jr. (U.S. Patent No. 2,412,466) and Snyder (U.S. Patent 4,276,122).

The citation in the Action of reference's passages without explaining how these cited teachings apply to the steps in the claims at hand is not helpful to an understanding of the rejections. A thorough reading of the references including the specifically cited portions finds no correlation between the claimed steps herein and these teachings. A referral to one step as prior art, e.g. "providing a mirror" without finding every step, e.g., including the "returning to the field" step is meaningless in terms of formulating a rejection, and nowhere does the Examiner purport to find this last step. The only statement made is that the primary references "substantially disclose the process as claimed" a conclusion that is not supported by any subsequent comparison of the references with all the claimed steps.

Specifically, Bjorksten teaches floating a device on the ocean, not an agricultural field, taking up ocean water and distilling it in a closed chamber to add to a hydroponic or sand bed for growing plants. Thus Bjorksten does not have the steps (per claim 33 as typical) of disposing units upon agricultural field water, of maintaining a wicking structure immersed in field water, providing a mirror for reflecting solar radiation on the unit onto the wick "upper end," evaporating from that end field water, and importantly, returning distilled field water to the field. If The Examiner contends that the ocean water is the agricultural field, as she must, then it is clear that the distilled water is not returned there as it is captured for hydroponic purposes. The cited portion of Bjorksten does not support the Examiner's application of this reference to the claims, but instead confirms that Bjorksten does not provide the primary teaching of the claimed method steps of present application. While the Action refers to single vs. plural units that is not the issue. The present claims

are method claims and Bjorksten simply does not have the steps recited in claim 33 (or 34-46), as just demonstrated, with single or plural units.

The combination of Bjorksten with Ward who teaches a multiple cell distillation apparatus does not remedy the teaching deficiencies of Bjorksten noted above; that is the presently claimed steps missing in Bjorksten are not supplied by Ward, Jr.

The combination of Bjorksten with Snyder who teaches a solar still for ocean use does not remedy the teaching deficiencies of Bjorksten noted above, i.e. the presently claimed steps missing in Bjorksten are not supplied by Snyder. The combination is deficient in law as well since there is no place to add the mirror of Snyder to Bjorksten and no motivation to do so as Bjorksten has no localized wick capable of being irradiated by a mirror-focused light but rather has a diffused water absorber likely incapable of being mirror radiated. Further Snyder sprays his saline water onto a hot surface and has no radiated "wick." The proposed combination cannot be created without picking and choosing features between these references and then only impermissibly with the present disclosure as a guide.

Miller is cited in combination with Ward or Snyder. Miller teaches a solar still. that collects fresh water and does not return it to the ocean; why would he? He suggests in the passage cited in the Action that the fresh water be drunk directly. If the Examiner will revert to the claimed steps in claims 33-46, she will find, as outlined in refuting the applicability of the Bjorksten reference, that these several claimed steps are not found in



Miller, and that at least the step of return to the source of distilled water is not found in Miller,

The combination of Miller with Ward who teaches a single unit distillation apparatus does not remedy the teaching deficiencies of Miller noted above, that is the claimed steps missing in Miller are not supplied by Ward.

The combination of Miller with Snyder who teaches a solar still for ocean use does not remedy the teaching deficiencies of Miller noted above, i.e. the presently claimed steps missing in Miller are not supplied by Snyder. The combination is deficient in law as well since there is no place to add the mirror of Snyder to Miller and no motivation to do so as Miller has no localized wick capable of being irradiated by a mirror- focused light but rather has a diffused water absorber sponge likely incapable of being mirror radiated. Further Snyder sprays his saline water onto a hot surface and has no radiated "wick." The proposed combination cannot be created without picking and choosing features between these references and then only impermissibly with the present disclosure as a guide.

Claims 33 -46 are patentable over these combinations of references.

### **Allowable Claims**

The Examiner has suggested that Claims 43-45 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112, Second Paragraph. These claims are amended above in a manner believed to comply with the Examiner's

requirements. Their allowance is requested.

### CONCLUSION

Reconsideration and allowance of the application, including all of the pending claims, are requested.

Respectfully Submitted,

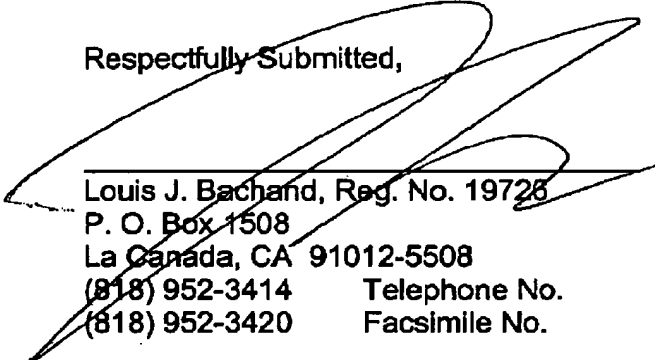
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Rec'd in the U.S. Patent & TM Office:

- 1) Response to Non-Final Office Action dated August 23, 2005
- 2) Certificate of Facsimile Transmission

Inventor(s): Warren COON  
Title: Multi-Unit, Distributive, Regenerable, In Situ Desalination  
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